



Q&A on Waste Management and Resource Recovery Bill 2016

Why is the legislation being introduced now?

The ACT Government's Waste Management Strategy establishes ambitious targets for the years up to 2025. The goal is to achieve full resource recovery and a carbon neutral waste sector.

In order to achieve these targets, it is important to implement waste management strategies, supported by modern and effective legislation, to direct waste materials to their highest use through effective recovery, recycling and reuse.

We need to establish a legislative framework that makes achievement of the Waste Management Strategy targets possible. The sooner we start improving waste management, the better the outcome for the environment and the community.

Waste management practices and technology have changed significantly since the current *Waste Minimisation Act* was passed in 2001. The ACT Government has looked at contemporary legislation in other jurisdictions, particularly the neighbouring state of NSW, to inform the review process.

The review addresses the recommendations from the ACT Auditor-General's 2012 *Performance Audit Report on Management of Recycling Estates and Ewaste*. The report called for more effective management and regulation of the Hume Resource Recovery Estate and Parkwood Road Recycling Estate as well as improvements to the ACT Government's ability to enforce its waste management policies.

What is going to change?

For most people in the community, very little will change in terms of how they recycle and dispose of waste. Ordinary kerbside collections will continue as they are now.

The new legislation is more about changing the way waste is managed by commercial businesses in the ACT. A key feature of the legislation is the introduction of regulatory and enforcement tools that enable Government agencies to manage the collection, storage, recovery, recycling and reuse of waste in the ACT.

To support the effective management of waste, the legislation will require waste collection and treatment businesses to record the types and amounts of waste they deal with, and to make that information available to Government agencies. This will help us to understand more about what happens to waste, and to manage it comprehensively.

However, the aim is to minimise the impact on businesses by making this requirement simple and easy to comply with. There will be minimal 'red tape'.

The new legislation will also encourage investment in waste facilities in the ACT to cater for waste streams, such as mixed commercial waste and household residual wastes, which cannot currently be recovered and are sent to landfill. This needs to be addressed if our resource recovery targets are to be met in the longer term.

Why are you introducing new waste charges, and how much will they be?

Landfill charges are a disincentive to send waste to landfill, while drop-off facilities that are free, or charge nominal fees for specific types of recyclable waste (such as garden waste, paper cardboard, oil and batteries), encourage people to sort and deliver their waste to these facilities.

The ACT needs an adequate system in place to discourage the sending of waste to landfill.

This legislation supports the introduction of fees for waste transportation businesses and waste treatment facilities to encourage recycling or beneficial reuse and discourage waste generation and disposal of waste into landfill. Landfill should only be a destination for waste that cannot be recovered and recycled.

New enforcement powers will also send strong messages about the Government's commitment to put a stop to waste being illegally dumped in the ACT and surrounding region.

As evidenced by the ACT Government's ACTSmart program, businesses are able to make savings by changing their practices to recycle and recover waste. Targeted charging will provide further incentive for that change.

The level of charges has not yet been determined. They are likely to be progressively phased in as data about waste activity reveals more about where improvements need to be made, and can be achieved.

What costs will this impose on businesses, and will these costs flow on to customers?

[See scenarios.](#)

Ordinary kerbside collections are not affected by the proposed new charges. Broadly, however, anyone who contributes to waste generation should share the high environmental and social cost of sending it to landfill.

This legislation, however, is about the proper management of commercial waste activity – waste transporters and facilities – and about establishing a framework for encouraging resource recovery.

Businesses that recycle and recover their waste before sending it to landfill will pay less to run their business. They will pay more if they do not recycle and reuse.

Naturally, businesses tend to pass their costs on to their customers. Those businesses that pay less to dispose of their waste will charge their customers less for their services. In this way, over time, waste businesses and their customers will take their waste away from landfill and toward recycling and reuse.

General operating costs for businesses will be kept to a minimum by making compliance simple and inexpensive.

Is this a recognition that your current policy has failed?

Not at all. The ACT is a strong performer in the area of recycling. It is also, unfortunately, a leader in waste generation, and that needs to change.

The ACT's waste policies and recovery targets have been applauded by others around Australia, but more must be done to make achieving those targets a realistic expectation.

This legislation reflects the Government's recognition that, in order to keep moving forward, we need to establish a framework that encourages improvement.

When will you release the findings of the waste feasibility study?

The ACT Waste Feasibility Study commenced in August 2015 to undertake a comprehensive review of the waste management framework operations in the Territory. The Study has been tasked to present to Cabinet:

- a review that will identify options to meet waste recycling targets;
- an integrated community consultation and education framework;

- a new outcomes-based contract for the Hume recycling facility;
- recommended legislative changes to support new recovery initiatives; and
- a process for implementing and administering the new legislation.

The ACT Waste Feasibility Study is not a typical study, in that it is not undertaking a single review and reporting the findings of that review to the Government.

The Study has multiple tasks across a number of disciplines. This legislation is just one of those tasks, and it is introduced now so that an appropriate statutory framework can be put in place to give effect to other ongoing aspects of the Feasibility Study.

As each task of the Study is ready for discussion, it is released to stakeholders and the broader community for further input. The final conclusions are some time off.

In the meantime, this legislation makes the broader goals of the Study achievable. The Government hopes to have the new arrangements in place and fully operational by 1 July 2017.

[See scenarios.](#)

Waste Management and Resource Recovery Bill 2016

Business and community scenarios

Introduction

The *Waste Management and Resource Recovery Bill 2016* will affect people in different ways, depending on whether a person is a commercial waste facility operator, a waste transporter, a business person or a private resident.

The following scenarios are intended to assist in understanding the likely affect on several different groups within the ACT community.

Overview

- This legislation does not generally affect ordinary members of the community – ‘kerbside’ collections of domestic waste will be unaffected.
- The legislation will primarily regulate “waste management businesses”, but a ‘soft start’ will keep the initial cost to businesses low.
- A “*waste management business*” includes any of the following carried on with the dominant purpose of providing services in relation to the handling of waste:
 - a trade, industry, business or profession;
 - an activity carried on for a fee, benefit or reward.It can also include a person or activity prescribed by regulation as a ‘waste management business’.
- The legislation aims to minimise waste generation through a number of mechanisms, including making it cheaper and easier to avoid the generation of waste.
- The objective is to encourage recycling and recovery of resources, and discourage taking waste to landfill.
- Everyone must comply with the Act. For most people, this simply means “doing the right thing”. For waste management businesses, it means “doing the right thing” and meeting some regulatory requirements.

Scenario 1

Landfill site

e.g. Mugga Landfill

Requirement	Does it apply to me?
Am I a “waste management business”?	<p>A landfill is a “waste facility” – a site used by a waste management business for the storage, sorting, treatment, processing, or disposal of waste.</p> <p>Landfill sites are government-owned, and are operated by private corporate entities under contract with the Government.</p> <p>Landfill operators will:</p> <ul style="list-style-type: none"> • manage the landfill in accordance with their contract and licence • be remunerated under their contract • collect fees and charges on behalf of the Government
Do I need to hold a licence?	Every person that wishes to operate a waste facility must hold a licence under the Act.
Do I need to register as a transporter?	Only if you also run a transportation business to carry waste to your facility or another facility.
Will I pay licence or registration fees?	<p>There will be an application fee and an annual fee. Fees will be kept as low as possible.</p> <p>Licences and registration are perpetual.</p>
<p>Do I need to report my waste activity?</p> <p>How does this work?</p>	<p>All licensed facilities will have to provide regular reports, but the information required will be very simple and can be provided online.</p> <p>You can report by logging into a Government website and completing a simple form, which will ask you to provide information such as:</p> <ul style="list-style-type: none"> • the person who delivered the waste; • when the waste was delivered; and • the type and weight of the waste delivered.
Will this mean I pay more for my waste activity?	As a landfill facility, you receive waste and charge people to deliver it. If you move waste to another landfill, you can expect to pay a fee.

Scenario 2

Domestic waste collection service

e.g. SITA

Requirement	Does it apply to me?
Am I a “waste management business”?	A domestic waste collection service is a “waste transporter” under the new legislation – that is, a waste management business that collects waste or transports waste. Domestic waste collection services are private operators that collect waste from government-provided bins at residential properties under contract with the Government.
Do I need to hold a licence?	Only if you also operate a waste facility. This includes a site used by your transportation business, for example to store or sort materials before taking it to another facility.
Do I need to register as a transporter?	All commercial waste transporters must be registered under the Act.
Will I pay licence or registration fees?	There will be an application fee and an annual fee. Fees will be kept as low as possible. Licences and registration are perpetual.
Do I need to report my waste activity? How does this work?	All waste transporters will have to provide regular reports, but the information required will be very simple and can be provided online. You can report by logging into a Government website and complete a simple form, which will ask you to provide information such as: <ul style="list-style-type: none"> • the places from which the waste was collected; • when the waste was collected; • the type and quantity of the waste collected; and • the facility to which the waste was delivered.
Will this mean I pay more for my waste activity?	As the domestic waste collection service provider, you are paid to remove waste and you do not pay landfill fees.

Scenario 3

Commercial waste collection service

**e.g. Remondis
skip hire**

REQUIREMENT	DOES IT APPLY TO ME?
Am I a “waste management business”?	<p>A commercial waste collection service is a “waste transporter” under the new legislation – that is, a waste management business that collects waste or transports waste.</p> <p>Waste collection contractors are private operators that collect waste under private arrangements from commercial, industrial and multi-unit residential premises.</p> <p>Examples of commercial waste transporters include:</p> <ul style="list-style-type: none"> • office and multi-unit skip collector • grease trap service • clinical waste transporter • building and demolition waste removal
Do I need to hold a licence?	Only if you also operate a waste facility. This includes a site used by your transportation business, for example to store or sort materials before taking it to another facility.
Do I need to register as a transporter?	All waste transporters must be registered under the Act.
Will I pay licence or registration fees?	<p>There will be an application fee and an annual fee.</p> <p>Fees will be kept as low as possible.</p> <p>Licences and registration are perpetual.</p>
<p>Do I need to report my waste activity?</p> <p>How does this work?</p>	<p>All commercial waste transporters will have to provide regular reports, but the information required will be very simple and can be provided online.</p> <p>You can report by logging into a Government website and complete a simple form, which will ask you to provide information such as:</p> <ul style="list-style-type: none"> • the places from which the waste was collected; • when the waste was collected; • the type and quantity of the waste collected; and • the facility to which the waste as delivered.
Will this mean I pay more for my waste activity?	<p>Charges will apply to the transportation of waste, regardless of its geographic destination. The charge will vary according to its type, and whether it is taken to a facility for recycling or reuse, or to landfill.</p> <p>As a waste transporter, you charge people to collect their waste and deliver it to a waste facility.</p> <p>If you take waste to landfill, you can expect to pay a higher fee.</p> <p>If you take waste to recycling, you can expect to pay a lower fee.</p> <p>The more waste kept out of landfill, the less the transporter will pay.</p>

Scenario 4

Private waste treatment facility

e.g. a concrete recycler

REQUIREMENT	DOES IT APPLY TO ME?
Am I a “waste management business”?	<p>A facility for the storage, sorting, treatment, processing, or disposal of waste is a “waste facility” under the new legislation, if the facility is operated as a “waste management business”.</p> <p>Examples of waste facilities include:</p> <ul style="list-style-type: none"> • storage by a transporter of materials for sorting and sale or disposal • receiving building and demolition waste at a site for sorting and then sale or disposal • recycling facility • collection point/drop off centre (RDOC)
Do I need to hold a licence?	<p>Every person who wishes to operate a waste facility must hold a licence under the Act.</p> <p>Facilities that receive toxic or hazardous materials (e.g. batteries, spray cans, paint) may be subject to special licensing conditions.</p>
Do I need to register as a transporter?	<p>Only if you also run a transportation business to carry waste to your facility or another facility.</p>
Will I pay licence or registration fees?	<p>There will be an application fee and an annual fee. Fees will be kept as low as possible. Licences and registration are perpetual.</p>
<p>Do I need to report my waste activity?</p> <p>How does this work?</p>	<p>All licensed facilities will have to provide regular reports, but the information required will be very simple and can be provided online.</p> <p>You can report by logging into a Government website and complete a simple form, which will ask you to provide information such as:</p> <ul style="list-style-type: none"> • the person who delivered the waste; • when the waste was delivered; and • the type and weight of the waste delivered.
Will this mean I pay more for my waste activity?	<p>As a waste treatment facility, you receive waste and charge people to deliver it. If you move waste to a landfill, you can expect to pay a fee.</p>

Scenario 5

Commercial premises, multi-unit developments

e.g. Manuka Group Centre

Glebe Park

REQUIREMENT	DOES IT APPLY TO ME?
Am I a “waste management business”?	A ‘generator’ of waste that does not transport, store or treat waste, “with the dominant purpose of providing services in relation to the handling of waste”, is not a “waste management business”.
Do I need to hold a licence?	Only a person who wishes to operate a waste facility must hold a licence under the Act.
Do I need to register as a transporter?	Only commercial waste transporters must be registered.
Will I pay licence or registration fees?	No.
Do I need to report my waste activity?	No.
Will this mean I pay more for my waste activity?	You may. As a customer of a waste transporter, you already have costs of business passed on to you. Under the new legislation, sending waste to landfill will be discouraged, and recycling/re-use will be encouraged. The less landfill you generate, the more you will save.

Scenario 6

Occupants of domestic residences

e.g. John and Mary Smith, private residents, The Suburb

REQUIREMENT	DOES IT APPLY TO ME?
Am I a “waste management business”?	A ‘generator’ of waste that does not transport, store or treat waste, “with the dominant purpose of providing services in relation to the handling of waste”, is not a “waste management business”.
Do I need to hold a licence?	Only a person who wishes to operate a waste facility must hold a licence under the Act.
Do I need to register as a transporter?	Only commercial waste transporters must be registered.
Will I pay licence or registration fees?	No.
Do I need to report my waste activity?	No.
Will this mean I pay more for my waste activity?	As a ratepayer, your ordinary domestic waste is collected by a Government-contracted collector. That service will continue as usual. In the <u>longer term</u> , taking your own waste to a landfill may cost more as fees at those facilities increase. As a skip hire or trash pack customer, for example, you may also pay a little more in the longer term, depending on how much material is recycled or taken to landfill by your service provider. That depends on the waste you generate and what goes in the bin. Under the new legislation, sending waste to landfill will be discouraged, and recycling/re-use will be encouraged. The less landfill you generate, the more you will save.

Scenario 7

High waste-generator businesses

e.g. ABC Building & Development P/L

XYZ Superstore

REQUIREMENT	DOES IT APPLY TO ME?
Am I a “waste management business”?	<p>You will only be a “waste management business” if you set up your own business operation that transports, stores or treats waste “with the <u>dominant purpose</u> of providing services in relation to the handling of waste.”</p> <p>If a business establishes its own waste transportation, storage or treatment business as a ‘stand-alone’ operation to support its trade, industry, business or profession, it will be a “waste management business” that is required to be registered as a waste transporter and provide regular reports.</p> <p>Using your own vehicles to take waste to a facility does not, of itself, mean that you are a “waste management business”.</p> <p>Examples of waste-generator businesses:</p> <ul style="list-style-type: none"> • builder or developer • tradesperson • café • retail establishment
Do I need to hold a licence?	Only a person who wishes to operate a waste facility must hold a licence under the Act.
Do I need to register as a transporter?	Only commercial waste transporters must be registered.
Will I pay licence or registration fees?	No.
Do I need to report my waste activity?	No. You must, however, only use licensed waste facilities to dispose of your waste, and you must comply with the new legislation.
Will this mean I pay more for my waste activity?	<p>In the longer term, taking your waste to a landfill may cost more as fees at those facilities increase.</p> <p>As a skip hire customer, for example, you may also pay a little more in the longer term, depending on how much material is recycled or taken to landfill by your service provider.</p> <p>Under the new legislation, sending waste to landfill will be discouraged, and recycling/re-use will be encouraged. The less landfill you generate, the more you will save.</p>

Scenario 8

Clinical and hazardous waste generators

**e.g. dentist
clinic
auto service and repair**

REQUIREMENT	DOES IT APPLY TO ME?
Am I a “waste management business”?	<p>You will only be a “waste management business” if you set up your own operation that transports, stores or treats waste “with the <u>dominant purpose</u> of providing services in relation to the handling of waste.”</p> <p>If a business establishes its own waste transportation, storage or treatment business as a ‘stand-alone’ operation to support its trade, industry, business or profession, it will be a “waste management business” that is required to be registered as a waste transporter and provide regular reports.</p> <p>Using your own vehicles to take waste to a facility does not, of itself, mean that you are a “waste management business”. Examples of clinical and hazardous waste-generator businesses:</p> <ul style="list-style-type: none"> • dentist, doctor • pathology clinic • auto repair and maintenance • hospital
Do I need to hold a licence?	Only a person who wishes to operate a waste facility must hold a licence under the Act.
Do I need to register as a transporter?	Only commercial waste transporters must be registered. Commercial transporters of clinical waste must be registered, and must also be licensed under the <i>Clinical Waste Act 1990</i> .
Will I pay licence or registration fees?	No.
Do I need to report my waste activity?	No. You must, however, only use licensed waste facilities, and you must comply with the new legislation. Special rules apply to the disposal of clinical and hazardous waste, which must not be disposed of in general waste. Anyone who provides a service to collect and transport your waste must comply with all of the requirements of this Act.
Will this mean I pay more for my waste activity?	As a customer of a waste transporter, you may pay a little more in the longer term, depending on how much material is recycled or taken to a special facility by your service provider. Under the new legislation, the less waste you generate, the more you will save.